

**From:** [Bert Benavides](#)  
**To:** [Bert Benavides](#)  
**Cc:** [Donald Palmer](#); [Christy McCormick](#); [Benjamin Hovland](#); [Thomas Hicks](#); [Brian Newby](#); [Cliff Tatum](#); [Robin Sargent](#)  
**Subject:** Updated Info: EAC Standards Board 2019 Meeting  
**Date:** Thursday, March 07, 2019 2:56:08 PM

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The following message is sent on behalf of EAC Commissioner Donald Palmer and Designated Federal Officer (DFO) of the EAC Standards Board

Dear Board Members,

Please save the dates **Wednesday, April 10 thru Friday, April 12, 2019** for the EAC Standards Board Meeting. The tentative schedule is as follows:

**Location: Memphis, TN**

Wednesday, April 10: Travel day

Thursday, April 11: Full day meeting

Friday, April 12: 1/2 day morning meeting and Travel in the afternoon/evening

As draft agenda, hotel and logistics are confirmed, we will send the information.

**Please also note that because the deadline to submit executive committee nominations occurred during the 35-day federal government shutdown, we are extending the time to submit nominations until March 8, 2019. Please submit your nominations to Clifford Tatum at [ctatum@eac.gov](mailto:ctatum@eac.gov).**

Thank you.

Ms. Robin Sargent

[rsargent@eac.gov](mailto:rsargent@eac.gov)

202-360-2144

Ms. Bert Benavides

[bbenavides@eac.gov](mailto:bbenavides@eac.gov)

202-294-9580

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**Linda Payne**

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**From:** von Spakovsky, Hans <[REDACTED]>  
**Sent:** Wednesday, June 27, 2018 12:58 PM  
**To:** Secretary  
**Cc:** Linda Payne; Snead, Jason  
**Subject:** Heritage Foundation election fraud request

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Secretary Pablos—

I was sorry to hear that you are unable to attend The Heritage Foundation's Secretaries of State conference in Philadelphia next month. I hope you will be able to join us for future meetings.

I nevertheless wanted to reach out to see if your office could help us with an ongoing election integrity initiative, Heritage's Voter Fraud Database. The database tracks instances of proven election fraud throughout the United States—cases that have resulted in, for example, a criminal conviction, civil fine, or judicial or official finding that fraud occurred. Users can easily search the database and see how fraud has impacted elections in their own states, making it an important tool to rebut the false narrative the fraud does not exist.

We have 1,132 instances in the database already, including several from Texas. Here is a link to the cases we already have (<https://www.heritage.org/voterfraud/search?state=TX>); if your office is aware of any additional cases we do not have, we would be eager to include them in the database. If someone on your staff tracks this information, I would be happy to discuss this with them.

Please feel free to reach out to me, or contact Jason Snead, a senior policy analyst who manages the database, at [REDACTED]/202.608.6144.

Sincerely,  
Hans von Spakovsky

---

**Hans von Spakovsky**  
*Manager, Election Law Reform Initiative and Senior Legal Fellow*  
*Institute for Constitutional Government*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6207  
[heritage.org](http://heritage.org)

**Linda Payne**

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**From:** DeFonce, Daniel <[REDACTED]>  
**Sent:** Wednesday, January 30, 2019 2:17 PM  
**To:** Linda Payne  
**Subject:** FW: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Hello Linda,

I am finalizing our guest list for our SOS Election Briefing this Friday Feb. 1<sup>st</sup>.

Will Keith Ingram be joining us or no?

Thank you,  
Daniel

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**Daniel DeFonce**  
*Research and Administrative Assistant*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
[heritage.org](http://heritage.org)

**From:** Secretary <[Secretary@sos.texas.gov](mailto:Secretary@sos.texas.gov)>  
**Sent:** Wednesday, January 23, 2019 11:43 AM  
**To:** DeFonce, Daniel <[REDACTED]>  
**Subject:** RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

Hi Daniel,

Thanks for your e-mail. Secretary Whitley is unable to attend the NASS Conference next month. However, Keith Ingram our Elections Director will be attending the conference. If you would like to reach out to him, please let me know.

Have a wonderful day!

Best regards,

*Linda Payne*

Executive Assistant/Scheduler for  
Secretary of State David Whitley  
Capitol Building, Room 1E.8  
(512) 463-5702  
[lpayne@sos.texas.gov](mailto:lpayne@sos.texas.gov)



**From:** DeFonce, Daniel [mailto: [REDACTED]]  
**Sent:** Wednesday, January 23, 2019 10:11 AM  
**To:** Secretary <Secretary@sos.texas.gov>  
**Subject:** RE: Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01

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Good morning,

I am following up on the below invitation to Secretary Whitley from Hans von Spakovsky regarding our Secretaries of State Election Briefing next Friday the 1<sup>st</sup>.

We are honored to have former Attorney General Ed Meese III join us for the briefing, and we hope that the Secretary can attend as well.

Sincerely,  
Daniel

---

**Daniel DeFonce**  
*Research and Administrative Assistant*  
The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
202-608-6181  
heritage.org

**From:** DeFonce, Daniel  
**Sent:** Thursday, January 10, 2019 5:06 PM  
**To:** 'secretary@sos.state.tx.us' <secretary@sos.state.tx.us>  
**Subject:** @s @@f Invitation to Heritage Foundation Election Briefing for Secretaries of State - Fri. Feb. 01



EDWIN MEESE III CENTER FOR  
LEGAL AND JUDICIAL STUDIES

**TO:** David Whitley  
**FROM:** Hans von Spakovsky, Senior Legal Fellow

SUBJECT: Heritage Foundation Election Briefing for Secretaries of State

EVENT DATE: Friday, Feb. 1, 2019 at 12:00 p.m. – 5:00 p.m. (*buffet lunch provided*)

LOCATION: The Heritage Foundation

On behalf of The Heritage Foundation, I cordially invite you to participate in a private briefing for Secretaries of State that I will be hosting. The briefing will take place on **Friday, Feb. 1 from 12:00 p.m.-5:00 p.m. at The Heritage Foundation, 214 Massachusetts Avenue, NE, Washington, D.C. 20002**. At the outset of the meeting, we will have a lunch buffet for the Secretaries of State. We will have speakers that include congressional staffers from key Senate and House committees with jurisdiction over election issues.

The roundtable discussion will include proposed election reforms and election security issues, proposed legislation in the new Congress, and on-going and expected litigation, among other topics. The purpose of the briefing is to have in-depth discussions of these election issues and to share strategy and tactics on achieving long-term goals and objectives shared by the Secretaries.

Please RSVP to Daniel DeFonce at [REDACTED] or (202) 608-6181.

Best,

Hans von Spakovsky

**From:** Logan Churchwell [<mailto:> ]  
**Sent:** Wednesday, December 20, 2017 9:33 AM  
**To:** Brown, Clark <[cbrown@bexar.org](mailto:cbrown@bexar.org)>  
**Cc:** Elections Internet <[Elections@sos.texas.gov](mailto:Elections@sos.texas.gov)>  
**Subject:** Re: NVRA Request Letter Response - Notice of Violation

Mr. Brown:

Please review the attached letter, thank you.

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**From:** Brown, Clark <[cbrown@bexar.org](mailto:cbrown@bexar.org)>  
**Sent:** Thursday, December 14, 2017 12:12  
**To:** Logan Churchwell  
**Subject:** NVRA Request Letter Response

CONFIDENTIALITY NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient(s) and may be legally privileged. If you have received this communication in error, please contact the sender below immediately. Any disclosure, copying, distribution or the **taking** of any action concerning the contents of this communication by anyone other than the named recipient(s) is strictly prohibited.

Sender: Clarkson F. Brown, Assistant Criminal District Attorney-Civil Division, Paul Elizondo Tower, 101 W. Nueva, Office 735, San Antonio, Texas 78205-3030, Phone (210) 335-3918, Fax (210) 335-2773, [cbrown@bexar.org](mailto:cbrown@bexar.org)

# PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA EMAIL

December 20, 2017

ATTN: Clarkson F. Brown  
Bexar County Assistant District Attorney-Civil Division  
Paul Elizondo Tower  
101 W. Nueva  
San Antonio, TX 78205  
Email: [cbrown@bexar.org](mailto:cbrown@bexar.org)

**RE: NVRA violation notice**

Dear Mr. Brown:

We have received your letter dated December 14, 2017, denying inspection pursuant to the National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq.* and asserting that the office of the Bexar County Elections Administrator is not bound to the federal disclosure and inspection statutes—only the Texas Secretary of State.

This letter serves as statutory notice to Bexar County, required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of Section 8 52 U.S.C. § 20507(i) for failure to grant inspection of “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters,” and/or reproduction of responsive records “at a reasonable cost.” 52 U.S.C. § 20507(i)(1).

**The Bexar County Elections Administrator is hereby notified that it now faces federal litigation should they continue to deny access to requested records in their possession.**

The federal court in the Western District of Texas has determined that county-level election officials in Texas must comply with the requirements of the NVRA. Notwithstanding the NVRA’s use of the term “State,” the court ruled that county election officials “ha[ve] certain obligations under the NVRA as the designated voter registrar and state official.” *Am. Civil Rights Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 793 (W.D. Tex. 2015). If a county election official “has failed to meet her obligations,” an aggrieved party “can bring a civil suit against her.” *Id.*

It is our hope that the County will work quickly to provide for inspection the all of the records previously requested. If not, according to federal law, a lawsuit under the NVRA may be filed within 90 days after the failure to permit inspection or failure to provide the documents. 52 U.S.C. § 20510(b). For any lawsuits initiated by a private party, an award of attorney’s fees, expenses, and costs incurred are available under U.S.C. § 20510(c).

Thank you for your time and attention to this matter. Please feel free to utilize the contact information below to arrange an inspection.

Sincerely,



Logan Churchwell  
Communications & Research Director  
Public Interest Legal Foundation

[REDACTED]

CC: Elections Division  
The Hon. Rolando Pablos  
Texas Secretary of State  
PO Box 12060  
Austin, TX 78711-2060  
Email: [elections@sos.texas.gov](mailto:elections@sos.texas.gov)



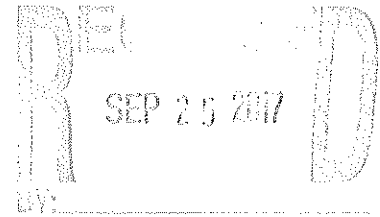
# PUBLIC INTEREST

—LEGAL FOUNDATION—

September 15, 2017

VIA FIRST CLASS MAIL

ROBERTS COUNTY  
Ms. Hether Williams  
Tax Assessor-Collector  
PO Box 458  
Miami, TX 79059



Dear Ms. Williams:

I am writing on behalf of the Public Interest Legal Foundation to (1) notify you that based on our research your jurisdiction is in apparent violation of Section 8 of the National Voter Registration Act (NVRA), 52 U.S.C. § 20501 *et seq.*, and, (2) request disclosure and inspection of voter list maintenance records pursuant to the public inspection provision of the NVRA (the requested records are detailed below).

The Public Interest Legal Foundation is a nonpartisan, nonprofit, public-interest law firm that specializes in legal and public policy matters affecting elections, voting, and other political processes of the nation and providing the public with information regarding efforts to damage the integrity of American elections.

Voter rolls across America contain substantial numbers of ineligible or inaccurate registrations, resulting in the possible disenfranchisement of legally eligible voters through ballot dilution that threatens to taint the integrity of the electoral process.

Federal law requires election officials to conduct a reasonable effort to maintain voter registration lists free of dead voters, ineligible voters, and voters who have moved away. 52 U.S.C. §§ 20503 and 20507. Based on our comparison of publicly available information published by the U.S. Census Bureau and the federal Election Assistance Commission, it appears that your jurisdiction is failing to comply with these federal law requirements.

In short, your county has significantly more voters on the registration rolls than it has eligible, living, citizen voters.

This letter serves as the statutory notice to your jurisdiction, required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of Section 8 of the NVRA, 52 U.S.C. § 20507 for failure to conduct adequate list maintenance. We would welcome a discussion that could result in concrete remedial measures to address this circumstance.

Section 8 of the NVRA requires your office to also make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i); *See also, Project Vote v. Long*, 682 F.3d 331, 334-335 (4th Cir. Va. 2012).

Pursuant to this section of the law, we request the opportunity to inspect all records concerning your county's list maintenance practices. However, if your county satisfactorily provides the information requested below we might be able to dispense with the need to visit your office in person to inspect these records. In particular, we request that your office provide the following information and records:

- (a) registration totals (whether active or inactive) since June 29, 2017;
- (b) records your office obtained or received from state or local court clerks, United States District Court clerks or other sources regarding individuals who were ineligible to serve on juries because of a lack of American citizenship, death or relocation out of the jurisdiction, including but not limited to records concerning juror qualification questionnaires—whether completed via the Internet or returned through the mail—on which the individual that completed the questionnaire indicated that he or she is not a United States citizen. Please include subsequent list maintenance records generated or produced pursuant to inquiries based on this information;
- (c) the number of ineligible registrants removed from the voter rolls by category (e.g., dead, duplicate, ineligible) and by date since December 1, 2011, and any records reflecting these removals;
- (d) the number of notices sent to inactive registrants since December 1, 2011, including the date, scope and contents of any countywide mailing to all registrants;
- (e) the names of the staff in your office responsible for conducting list maintenance obligations who may appear on list maintenance records or who alter list maintenance records in furtherance of the duties of the office;
- (f) the number of ineligible registrants removed for criminal conviction, if applicable, since December 1, 2011 and the date of the most recent dataset containing criminal convictions against which you compared registrant lists, including communications with other agencies regarding criminal convictions;
- (g) any records indicating the use of citizenship or immigration status for list maintenance activities, including but not limited to the Systematic Alien Verification for Entitlements (SAVE) Program database. Any other records produced in reliance on other sources of citizenship verification data and all records related to the review or cancellation of potential noncitizens;
- (h) all list maintenance records including federal voter registration forms containing citizenship eligibility questionnaires including the names and reasons for removal for particular registrants, records of National Change of Address (NCOA) data reviews, NCOA related mailings, and NCOA related actions;
- (i) all list maintenance records indicating the number of records re-classified as INACTIVE and/or cancelled due to NCOA database comparisons derived from private data sources including the names of those registrants;
- (j) all list maintenance records indicating removals or potential removals of registrants for the reason of death, including use of the Social Security death index or derivative data, and the date of the same, and whether you rely on the cumulative social security death index for this purpose;

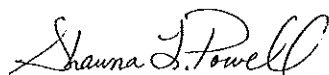
- (k) all documents and records of communication received by your office from registrants, legal counsel, claimed relatives, or other agents since January 2011 requesting a removal or cancellation from the rolls for any reason related to non-U.S. citizenship/ineligibility;
- (l) all records received from third parties concerning complaints regarding list maintenance or offering voter roll maintenance leads and any records reflecting maintenance actions taken as a result; and,
- (m) records indicating processes, policies, or procedures governing the detection and handling of registration records that appear to be duplicated.

Federal law does not permit election officials to charge requesting parties for anything other than the "reasonable cost" of "photocopying" the requested records. Federal law also permits us to physically inspect these records. If you believe compliance with our request will require photocopying of records, we prefer to inspect the potentially compliant documents in person to assess whether they are responsive to our request before any photocopying takes place.

It is our hope that your county will work quickly to provide for inspection of all records related to your list maintenance practices, by the date requested, including provision of the requested information and records. If not, according to federal law, a lawsuit under the NVRA may be filed within 90 days after the failure to permit inspection or failure to provide the documents. If you are within 120 days of a federal election, that time period shrinks to only 20 days. 52 U.S.C. § 20510(b). For any lawsuits initiated by a private party, an award of attorney's fees, expenses and costs incurred are available under 52 U.S.C. §20510(c).

Thank you for your time and attention to this matter. Please feel free to call to arrange a convenient time to discuss and arrange an inspection by contacting me at the below phone number, address or email.

Sincerely,



Shawna Powell, Secretary  
Public Interest Legal Foundation  
32 E. Washington Street, Suite 1675  
Indianapolis Indiana 46204  
317-203-5599  
[contact@publicinterestlegal.org](mailto:contact@publicinterestlegal.org)

CC:

Texas Secretary of State  
Elections Division  
The Hon. Rolando Pablos  
PO Box 12060  
Austin, TX 78711-2060

# PUBLIC INTEREST

—LEGAL FOUNDATION—

September 15, 2017

VIA FIRST CLASS MAIL

KENT COUNTY

Mr. William Scogin

Tax Assessor-Collector

PO Box 7

Jayton, TX 79528

806 237-3746

Dear Mr. Scogin:

I am writing on behalf of the Public Interest Legal Foundation to (1) notify you that based on our research your jurisdiction is in apparent violation of Section 8 of the National Voter Registration Act (NVRA), 52 U.S.C. § 20501 *et seq.*, and, (2) request disclosure and inspection of voter list maintenance records pursuant to the public inspection provision of the NVRA (the requested records are detailed below).

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Federal law requires election officials to conduct a reasonable effort to maintain voter registration lists free of dead voters, ineligible voters, and voters who have moved away. 52 U.S.C. §§ 20503 and 20507. Based on our comparison of publicly available information published by the U.S. Census Bureau and the federal Election Assistance Commission, it appears that your jurisdiction is failing to comply with these federal law requirements.

In short, your county has significantly more voters on the registration rolls than it has eligible, living, citizen voters.

This letter serves as the statutory notice to your jurisdiction, required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of Section 8 of the NVRA, 52 U.S.C. § 20507 for failure to conduct adequate list maintenance. We would welcome a discussion that could result in concrete remedial measures to address this circumstance.

Section 8 of the NVRA requires your office to also make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i); *See also, Project Vote v. Long*, 682 F.3d 331, 334-335 (4th Cir. Va. 2012).

Pursuant to this section of the law, we request the opportunity to inspect all records concerning your county's list maintenance practices. However, if your county satisfactorily provides the information requested below we might be able to dispense with the need to visit your office in person to inspect these records. In particular, we request that your office provide the following information and records:

- (a) registration totals (whether active or inactive) since June 29, 2017;
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- (c) the number of ineligible registrants removed from the voter rolls by category (e.g., dead, duplicate, ineligible) and by date since December 1, 2011, and any records reflecting these removals;
- (d) the number of notices sent to inactive registrants since December 1, 2011, including the date, scope and contents of any countywide mailing to all registrants;
- (e) the names of the staff in your office responsible for conducting list maintenance obligations who may appear on list maintenance records or who alter list maintenance records in furtherance of the duties of the office;
- (f) the number of ineligible registrants removed for criminal conviction, if applicable, since December 1, 2011 and the date of the most recent dataset containing criminal convictions against which you compared registrant lists, including communications with other agencies regarding criminal convictions;
- (g) any records indicating the use of citizenship or immigration status for list maintenance activities, including but not limited to the Systematic Alien Verification for Entitlements (SAVE) Program database. Any other records produced in reliance on other sources of citizenship verification data and all records related to the review or cancellation of potential noncitizens;
- (h) all list maintenance records including federal voter registration forms containing citizenship eligibility questionnaires including the names and reasons for removal for particular registrants, records of National Change of Address (NCOA) data reviews, NCOA related mailings, and NCOA related actions;
- (i) all list maintenance records indicating the number of records re-classified as INACTIVE and/or cancelled due to NCOA database comparisons derived from private data sources including the names of those registrants;
- (j) all list maintenance records indicating removals or potential removals of registrants for the reason of death, including use of the Social Security death index or derivative data, and the date of the same, and whether you rely on the cumulative social security death index for this purpose;



- (k) all documents and records of communication received by your office from registrants, legal counsel, claimed relatives, or other agents since January 2011 requesting a removal or cancellation from the rolls for any reason related to non-U.S. citizenship/ineligibility;
- (l) all records received from third parties concerning complaints regarding list maintenance or offering voter roll maintenance leads and any records reflecting maintenance actions taken as a result; and,
- (m) records indicating processes, policies, or procedures governing the detection and handling of registration records that appear to be duplicated.

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Thank you for your time and attention to this matter. Please feel free to call to arrange a convenient time to discuss and arrange an inspection by contacting me at the below phone number, address or email.

Sincerely,



Shawna Powell, Secretary  
Public Interest Legal Foundation  
32 E. Washington Street, Suite 1675  
Indianapolis Indiana 46204  
317-203-5599  
contact@publicinterestlegal.org

CC:

Texas Secretary of State  
Elections Division  
The Hon. Rolando Pablos  
PO Box 12060  
Austin, TX 78711-2060

**From:** Logan Churchwell [mailto: [REDACTED]]

**Sent:** Monday, January 28, 2019 10:41 AM

**To:** Keith Ingram <KIngram@sos.texas.gov>; Elections Internet <Elections@sos.texas.gov>

**Subject:** NVRA request

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Disclosure Officer:

Please review the attached request letter and advise when responsive documents may be made available.

**Logan Churchwell**

Communications & Research Director

[Public Interest Legal Foundation](#)

[REDACTED]

432-935-3840

# PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA EMAIL

January 28, 2019

ATTN: Disclosure Officer  
The Hon. David Whitley  
Texas Secretary of State  
PO Box 12060  
Austin, TX 78711-2060

**RE: NVRA public disclosure request**

Dear Disclosure Officer:

I am writing to request inspection or copies of records related to your office's voter list maintenance obligations under the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20501 *et seq.*

The NVRA requires your office to make available for public inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i).

Pursuant to Section 20507(i) of NVRA, I request that your office reproduce or provide the opportunity to inspect the following:

1. Copies of all records submitted to applicable counties regarding potentially ineligible noncitizens currently registered to vote. Records would ideally include all biographical and voting history information contained within TEAMS for each potential noncitizen registrant.
2. Copies of all instructions, guidance, memoranda, or other records submitted with the potential voter list maintenance leads to applicable counties.

Should you need to contact me regarding this request, please contact me via email at [REDACTED]. Please provide all responsive documents electronically, where possible.

Thank you for your service on this matter.

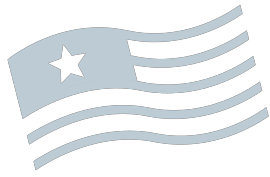


Sincerely,

A handwritten signature in black ink, appearing to read "Logan Churchwell".

Logan Churchwell  
Communications & Research Director  
Public Interest Legal Foundation





## NATIONAL ASSOCIATION of STATE ELECTION DIRECTORS

February 7, 2019

Commissioner Donald Palmer  
U.S. Election Assistance Commission  
1335 East West Highway, Suite 4300  
Silver Spring, MD 20910

SENT VIA EMAIL AND U.S. MAIL

Dear Commissioner Palmer:

Congratulations on your confirmation to serve as a Commissioner on the U.S. Election Assistance Commission (EAC). We write on behalf of the National Association of State Election Directors (NASED) to share what we believe are the most important issues for the EAC to address now that it not only has a quorum, it has a full complement of commissioners for the first time in nine years.

First, the EAC should release the Voluntary Voting System Guidelines (VVSG) Version 2.0 for public comment as soon as possible. As you know, the Help America Vote Act of 2002 (HAVA) requires that the VVSG be available for public comment for 90 days. While we are disappointed that the VVSG 2.0 has inexplicably not been released for public comment in the nearly nine months since the Standards Board and the Board of Advisors voted to move toward full adoption of the draft document, now that the EAC has a quorum, the draft should be released without delay. While the administrative process of certification has moved forward using VVSG Version 1.1, we must modernize our industry standards to facilitate the security of American elections.

Consistent with HAVA, the EAC must also hold a public hearing on the VVSG 2.0. It is our hope that a public hearing will be scheduled within 90 days of your swearing in to further expedite the adoption of the new standards. While we appreciate that you and your colleagues need time to review and consider Version 2.0, the public nature of the process – multiple public meetings of the Technical Guidelines Development Committee (TGDC), the Standards Board, and the Board of Advisors, as well as various public working groups – has provided ample opportunity for all members of the election community to remain abreast of the standards development process, as well as provide feedback.

1342 Florida Avenue NW  
Washington, DC 20009

[www.nased.org](http://www.nased.org)  
240-801-6029

Following the public comment period and the public hearing, and consistent with the other provisions of HAVA, it is our unanimous recommendation that the EAC vote to adopt the VVSG Version 2.0. Through these standards, the EAC plays a critical role in assisting state and local officials in securing American elections and the coming year represents an important opportunity to prepare for the 2020 federal election calendar. The last 10 months provide clear evidence how important it is for the standards process to have the flexibility to move forward when the EAC does not have a quorum of commissioners.

Second, the EAC should prioritize the drafting and adoption of the Requirements and Test Assertions as part of the Testing and Certification Program Quality and Policy Manual. The VVSG 2.0 is a higher-level policy document providing broad principles and guidelines for voting system standards; the Manual provides the technical details and procedures for testing and certification. According to the EAC's presentation at the April 2018 Standards Board meeting, the EAC and the National Institute of Standards and Technology (NIST) are working with a public working group to develop the requirements and test assertions, which would then be distributed to the TGDC, the Standards Board, and the Board of Advisors for review and approval. NASED does not concede that the Requirements and Test Assertions require approval by the commissioners; our hope is that the EAC agrees that this and future versions of the Requirements and Test Assertions will not need commissioner approval to make sure that the standards can flex and adapt over time, even if the agency is without a quorum in the future.

We respectfully request your consideration of these recommendations and ask that you act as soon as possible to advance modern voting system standards that vendors can use to build secure, trustworthy voting technology that voters can have confidence in. NASED is pleased that the Senate confirmed you, and we look forward to working with you.

Sincerely,

Keith Ingram, President, NASED  
Lori Augino, Incoming President, NASED  
Michelle Tassinari, Vice President, NASED  
Steve Trout, Treasurer, NASED  
Sally Williams, Secretary, NASED  
Robert F. Giles, Immediate Past President, NASED  
Jared Dearing, NASED  
Rob Rock, NASED  
Wayne Thorley, NASED  
Meagan Wolfe, NASED  
Judd Choate, NASED  
Linda Lamone, NASED

-----Original Message-----

From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]

Sent: Wednesday, June 28, 2017 3:40 PM

To: Secretary <Secretary@sos.texas.gov>

Subject: Letter from Vice Chair of Presidential Advisory Commission on Election Integrity

Please see the attached letter from the Vice Chair of the Presidential Advisory Commission on Election Integrity, Kansas Secretary of State Kris Kobach.

Thank you.

Commission Staff



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## Presidential Advisory Commission on Election Integrity

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June 28, 2017

The Honorable Rolando Pablos  
Secretary of State  
1100 Congress Ave.  
Austin, TX 78701

Dear Secretary Pablos,

I serve as the Vice Chair for the Presidential Advisory Commission on Election Integrity (“Commission”), which was formed pursuant to Executive Order 13799 of May 11, 2017. The Commission is charged with studying the registration and voting processes used in federal elections and submitting a report to the President of the United States that identifies laws, rules, policies, activities, strategies, and practices that enhance or undermine the American people’s confidence in the integrity of federal elections processes.

As the Commission begins its work, I invite you to contribute your views and recommendations throughout this process. In particular:

1. What changes, if any, to federal election laws would you recommend to enhance the integrity of federal elections?
2. How can the Commission support state and local election administrators with regard to information technology security and vulnerabilities?
3. What laws, policies, or other issues hinder your ability to ensure the integrity of elections you administer?
4. What evidence or information do you have regarding instances of voter fraud or registration fraud in your state?
5. What convictions for election-related crimes have occurred in your state since the November 2000 federal election?
6. What recommendations do you have for preventing voter intimidation or disenfranchisement?
7. What other issues do you believe the Commission should consider?

In addition, in order for the Commission to fully analyze vulnerabilities and issues related to voter registration and voting, I am requesting that you provide to the Commission the publicly-available voter roll data for Texas, including, if publicly available under the laws of your state, the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number

if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.

You may submit your responses electronically to [ElectionIntegrityStaff@ovp.eop.gov](mailto:ElectionIntegrityStaff@ovp.eop.gov) or by utilizing the Safe Access File Exchange (“SAFE”), which is a secure FTP site the federal government uses for transferring large data files. You can access the SAFE site at <https://safe.amrdec.army.mil/safe/Welcome.aspx>. We would appreciate a response by July 14, 2017. Please be aware that any documents that are submitted to the full Commission will also be made available to the public. If you have any questions, please contact Commission staff at the same email address.

On behalf of my fellow commissioners, I also want to acknowledge your important leadership role in administering the elections within your state and the importance of state-level authority in our federalist system. It is crucial for the Commission to consider your input as it collects data and identifies areas of opportunity to increase the integrity of our election systems.

I look forward to hearing from you and working with you in the months ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Kobach". The signature is fluid and cursive, with the first name "Kris" and last name "Kobach" clearly distinguishable.

Kris W. Kobach  
Vice Chair  
Presidential Advisory Commission on Election Integrity

**From:** [Robin Sargent](#)  
**To:** [Fenumiai, Gail M \(GOV\)](#); [lealofi.uiagalelei@eo.as.gov](#); [A.L Productionz](#); [leslie.bellamy@sos.arkansas.gov](#); [Melanie Clark](#); [Susan.Lapsley@sos.ca.gov](#); [Neal Kelley](#); [Rene Lov](#); [Mgill@dcboe.org](#); [plux@co.okaloosa.fl.us](#); [Maria Pangelinan](#); [joe.iseke@gec.guam.gov](#); [thurst@sos.idaho.gov](#); [REDACTED]; [Brad King](#); [ken.kline@sos.iowa.gov](#); [bryan.caskey@sos.ks.gov](#); [REDACTED]; [Jared.dearing@ky.gov](#); [Kenny.barger@ky.gov](#); [Kyle.ardoin@sos.la.gov](#); [Lynn Jones](#); [Flynn, Julie](#); [KLJ@portlandmaine.gov](#); [nikki.charlson@maryland.gov](#); [Debby.erickson@crowwing.us](#); [Corson, Dana](#); [Heather.Doxon@nebraska.gov](#); [Joseph Gloria \(Election\)](#); [REDACTED]; [Robert.Giles@sos.nj.gov](#); [dkunko@co.chaves.nm.us](#); [douglas.kellner@elections.ny.gov](#); [rachel.bledi@albanycounty.com](#); [veronica.degraffenreid@ncsbe.gov](#); [Michael.Dickerson@mecklenburgcountync.gov](#); [jarnold@nd.gov](#); [BuckhouseD@casscountynd.gov](#); [Harsman, Steve](#); [Marci Andino](#); [David K. Alford](#); [Carri Crum](#); [Mark Goins](#); [Carolyn Peebles](#); [Keith Ingram](#); [elections@traviscountytx.gov](#); [Justin Lee](#); [Lisa Harris-Moorhead](#); [kevermay.Douglas@vi.gov](#); [stuart.holmes@sos.wa.gov](#); [Barbara Goeckner](#); [jgonzales@co.albany.wy.us](#); [Allison Clarke](#); [Evangeline Tauoa](#); [Kalapu Faamasino](#); [eric.gookin@sos.iowa.gov](#)  
**Cc:** [Robin Sargent](#)  
**Subject:** IMPORTANT UPDATE: Std. Bd. Draft Agenda  
**Date:** Saturday, March 23, 2019 6:49:53 PM  
**Attachments:** Std Bd Draft Agenda rev. 03.22.19.pdf

**CAUTION:** This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to [Informationsecurity@sos.texas.gov](mailto:Informationsecurity@sos.texas.gov).

The following message is sent on behalf of EAC Commissioner Donald Palmer and Designated Federal Officer (DFO) of the EAC Standards Board

Please review the attached Draft Agenda.

The agenda features an optional training on Friday, April 12. The Peabody has extended a very limited number of rooms for the night of April 12. **The room block deadline is 10:00 PM EST on Monday, March 25.** Should you wish to extend your existing travel arrangement to include attending the optional training, please contact National Travel, 800-347-9779, to arrange a revised flight itinerary. EAC will cover additional lodging, per diem and reimbursable expenses.

Thank you.

Ms. Robin Sargent  
[rsargent@eac.gov](mailto:rsargent@eac.gov)  
202-360-2144

Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

**Draft Agenda**  
**U.S. Election Assistance Commission**  
**STANDARDS BOARD MEETING**  
**118 S 2nd St, Memphis, TN 38103**  
**Thursday April 11 to Friday, April 12, 2019**  
*[subject to change and approval]*

**Thursday, April 11, 2019**

**8:30 - 9:00 a.m.**

**Registration**

*Outside the Entrance to the Continental Ballroom*

**9:00 - 9:30 a.m.**

*Meeting takes place in Continental Ballroom*

**Call to Order**

Greg Riddlemoser, Chairman, EAC Standards Board

**Welcome to Memphis!**

Commissioner Donald Palmer

Designated Federal Officer, EAC Standards Board

Secretary Tre Hargett (video message)

Tennessee Secretary of State

**Pledge of Allegiance**

Presentation of the Colors, (Waiting for name of Color Guard)

Commissioner Donald Palmer, EAC, Standards Board DFO

**Roll Call**

Secretary Reynaldo A. Valenzuela, EAC Standards Board

**Determination of Quorum**

Greg Riddlemoser, Chairman, EAC Standards Board

**Welcome Remarks from the Commissioners**

Chairwoman Christy McCormick, EAC

Vice Chair Benjamin Hovland, EAC

Commissioner Donald Palmer, EAC, DFO

Commissioner Thomas Hicks, EAC

**9:30 - 9:50 a.m.**

**Introductory Business**

Approval of Minutes of April 11-12, 2019 Meeting

Packet Material Review

Standards Board Election Ballot Instructions

Overview of Committees

**9:50 - 10:00 a.m.**

**FACA Responsibilities and role of Board under HAVA**

Clifford D. Tatum, General Counsel, EAC



**10:00 - 10:45 a.m.**                    **ODNI Unclassified Intel Briefing for Election Officials**  
Joe Morosco, Assistant Director, Office of the National  
Intelligence, Manager for Counterintelligence, National  
Counterintelligence and Security Center (NCSC)  
Spencer Fisher, Chief Counsel, National Counterintelligence and Security Center,  
ODNI/Office of General Counsel

**10:30 - 11:00 a.m.**                    **Break**  
*Beverages & Snacks Provided in the Continental Ballroom*

**10:45 a.m. - Noon**                    **Overview of EAC Mission in 2019**  
Executive Director Brian D. Newby

**Noon – 1:45 p.m.**                    **Lunch**  
*Peabody Rooftop and Skyway*

**Luncheon Keynote**  
Eric Dreiband, Assistant Attorney General for the Civil Rights  
Division, U.S. Department of Justice

**Lunch Panel - Disaster Management & Recovery**  
Mark Andersen, Bay County, Florida Supervisor of Elections  
Margaret Jurgensen, Montgomery County, Md. Election Director  
Caroline Fawkes, U.S. Virgin Islands Supervisor of Elections  
Todd Valentine, New York State Board of Elections

**1:45 - 4:45 p.m.**                    **VVSG & Requirements; Consideration of Resolution**  
Continental Ballroom  
Greg Riddlemoser, VVSG Committee  
NIST Manager Mary Brady  
Ryan Macias & Jerome Lovato, Testing & Certification, EAC  
*Snacks & Beverages served during the session from 3:30 to 4 p.m.*

**4:45 - 5:00 p.m.**                    **Miscellaneous Announcements & Business**

*Dinner*                                    *On your own*

**7:30 p.m.**                            **Executive Board Meeting**  
*Exeter Room*  
Approval of past minutes  
Committee reports  
Election of Officers  
Review of member interest surveys  
Review of committee members

**Friday, April 12, 2019**

<b>7:30 - 8:00 a.m.</b>	<b>Breakfast</b> <i>Location TBD</i>
<b>8:00 - 8:15 a.m.</b>	<b>Housekeeping</b> <i>Peabody Rooftop and Skyway</i> Announcement of Officers Committee Assignments
<b>8:15 - 9:15 a.m.</b>	<b>EAVS</b> Nichelle Williams and David Kuennen, Research, EAC
<b>9:15 – 10:00 a.m.</b>	<b>Department of Justice - Election Offenses</b> Michael Dunavant <i>United States Attorney, Western District of Tennessee</i>
<b>10:00 - 11:00 a.m.</b>	<b>Committee Meeting Breakouts</b> VMSG – <i>Galaxie Room</i> Clearinghouse – <i>Fortuna Room</i> EAVS – <i>International Room</i> USPS – <i>Devonshire Room</i> Bylaws – <i>Peabody Rooftop and Skyway</i> Cybersecurity - <i>Exeter Room</i>
<b>11:00 - 11:30 a.m.</b>	<b>Break</b> <i>Beverages &amp; Snacks Provided in the Peabody Rooftop and Skyway</i>
<b>11:00-11:30 a.m.</b>	<b>Committee Reports</b> <i>Peabody Rooftop and Skyway</i>
<b>11:30-11:45 a.m.</b>	<b>Any Remaining Announcements or Business</b> <b>Motion to Adjourn</b>
<b>12:00 – 12:30 p.m.</b>	<b>Depart for Optional Training</b> <i>Those participating in the optional training should convene in the hotel lobby no later than 12:05 p.m. to walk to the National Civil Rights Museum at the Lorraine Motel (approximately .6 miles)</i>
<b>12:30 – 2:00 p.m.</b>	<b>The Voting Rights Act: Optional Training Lunch at the National Civil Rights Museum at the Lorraine Motel</b> <i>Hooks Hyde Hall, Lunch Provided</i> Training Presentation by Commissioner Donald Palmer Remarks by Eric Dreiband, Assistant Attorney General for the Civil Rights Division, U.S. Department of Justice

**2:00 – 3:00 p.m.**

**Optional Museum Tour**

*Participants Interested in Touring the National Civil Rights Museum may do so following the luncheon.*

DRAFT

# The State of Texas

Executive Division  
P.O. Box 12697  
Austin, Texas 78711-2697



Phone: 512-463-5770  
Fax: 512-463-2761  
Dial 7-1-1 For Relay Services  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

David Whitley  
Secretary of State

April 12, 2019

Office of the Attorney General  
Open Records Division  
209 W. 14th St., 6th Floor  
Austin, TX 78701

## ***Via Hand Delivery***

Re: Request for records, received: March 29, 2019

Dear General Paxton:

On March 29, 2019, the Office of the Secretary of State ("Office") received a written request ("Request") for information from Austin R. Evers (the "Requestor") under Chapter 552 of the Texas Government Code (the "PIA"). A copy of the request is attached as Exhibit A.

The Office asserts that certain information responsive to the Request is excepted from disclosure under the PIA. The Office understands that certain information requested by the Requestor may be excepted from disclosure under Sections 552.101, 552.108, and 552.137 of the Texas Government Code. Specifically, the Secretary invokes all of the exceptions provided by, and the exceptions incorporated into, Sections 552.101 through 552.158 of the PIA, including, without limitation, Sections 552.101, 552.108, and 552.137 of the Texas Government Code.

Pursuant to Section 552.301(a) of the PIA, this letter is submitted in order to seek a decision as to whether the exceptions apply. To assist in your review, the Office will provide a brief of written comments and copies of, or a representative sample of, the responsive documents not later than the 15th business day from the date the Request was received. We also are providing you a copy of a third-party notice that we are sending today to the Office of the Attorney General under Section 552.305 of the Texas Government Code.

Should you need additional information, please feel free to contact me at 512-463-5770.

Sincerely,

A handwritten signature in blue ink, appearing to read "ABitter".

Adam Bitter  
General Counsel  
Office of the Texas Secretary of State  
[generalcounsel@sos.texas.gov](mailto:generalcounsel@sos.texas.gov)  
AB/jw

Cc: Requestor (via email) without Exhibit

# The State of Texas



Executive Division  
P.O. Box 12697  
Austin, Texas 78711-2697

Phone: 512-463-5770  
Fax: 512-463-2761  
Dial 7-1-1 For Relay Services  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

David Whitley  
Secretary of State

April 12, 2019

Office of the Attorney General  
Public Information Coordinator  
P.O. Box 12548  
Austin, TX 78711-2548

***Sent via First Class Mail and Electronic Mail ([publicrecords@oag.texas.gov](mailto:publicrecords@oag.texas.gov))***

To Whom It May Concern:

The Office of the Texas Secretary of State has received a formal request to inspect or copy some of our files. A copy of the request for information is enclosed. The request involves information provided by the Office of the Texas Secretary of State to the Office of the Attorney General regarding election complaints. The Office of the Attorney General's Open Records Division is reviewing this matter, and they will issue a decision on whether Texas law requires us to release the records. Generally, the Public Information Act (the "Act") requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of these records by submitting written arguments to the attorney general that one or more exceptions apply to your records. You are not required to submit arguments to the attorney general, but if you decide not to submit arguments, the Office of the Attorney General will presume that you have no interest in withholding your records from disclosure. In other words, if you fail to take timely action, the attorney general will more than likely rule that your records must be released to the public. **If you decide to submit arguments, you must do so not later than the tenth business day after the date you receive this notice.**

If you submit arguments to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies.

Gov't Code § 552.305(d). A claim that an exception applies without further explanation will not suffice. Attorney General Opinion H-436 (1974). You may contact this office to review the information at issue in order to make your arguments. We will provide the attorney general with a copy of the request for information and a copy of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 business days.

Please send your written comments to the Office of the Attorney General at the following address:

Office of the Attorney General  
Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548

If you wish to submit your written comments electronically, you may only do so via the Office of the Attorney General's eFiling System. An administrative convenience charge will be assessed for use of the eFiling System. No other method of electronic submission is available. Please visit the attorney general's website at <http://www.texasattorneygeneral.gov> for more information.

**In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General. Gov't Code § 552.305(e).** You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code § 552.305(e).

Sincerely,



Adam Bitter  
General Counsel  
Office of the Texas Secretary of State  
[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)

Enclosure: Copy of request for information

cc: Austin R. Evers, via email to [foia@americanoversight.org](mailto:foia@americanoversight.org)  
(w/o enclosures)

Open Records Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548  
(w/o enclosures)